IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 25704 of 2006(I)

PETITIONERS:

1. SUNNY VARGHESE,
KUNNUMPURATHU VEEDU, THOTTABHAGOM MURI,
KAVIYOOR VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

2. SABU EAPEN, S/O. EAPEN,
PUTHUPARAMBIL HOUSE, KAVUNGUMPRAYAR P.O.,
PARAMATTOM, THIRUVALLA.

3. SIBA K.VARGHESE,
KUNNUMPURATHU VEEDU, THOTTABHAGOM MURI,
KAVIYOOR VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

4. RAJU VARGHESE, S/O. LATE C.G.VARGHESE,
KUNNUMPURATHU VEEDU, TOTTABHAGOM MURI,
KAVIYOOR VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. SECRETARY,
DEPARTMENT OF LABOUR, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND,
PATHANAMTHITTA.

3. CHIEF EXECUTIVE OFFICER,
KERALA MOTOR WORKERS WELFARE FUND BOARD, KOLLAM.

4. ALEYAMMA VARGHESE, W/O.LATE JOY VARGHESE
KUNNUMPURATHU HOUSE, THOTTABHAGOM MURI,
KAVIYOOR VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

5. JERIN JOY VARGHESE,
S/O. LATE JOY VARGHESE, -DO- -DO-.

6. JICKY JOY VARGHESE,
S/O. LATE JOY VARGHESE, -DO- -DO-.
(RESPONDENTS 5 AND 6 ARE REPRESENTED BY THEIR MOTHER AND GUARDIAN 4TH RESPONDENT).

BY SRI.P. RAMAKRISHNAN – SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO. 25704/2006.

EXT.P1: TRUE COPY OF THE IDENTITY CARD OF THE FIRST PETITIONER ISSUED BY THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE IDENTITY CARD OF THE 3RD PETITIONER ISSUED BY THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 25.6.2004 IN W.P.(C)NO.12770/2004.

EXT.P4: TRUE COPY OF THE ORDER G.O.(Rt)NO.2812/2004/LBR DATED 28/10/2004.

EXT.P5: TRUE COPY OF THE ORDER DATED 20/7/2004 NO.R5/EP 124/652.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 25704 OF 2006

DATED THIS THE 22nd DAY OF AUGUST, 2007

JUDGMENT

The petitioners were former members of the Motor Transport Workers Welfare Fund. After they ceased to be in service, they applied for closure of their welfare fund account and payment of outstanding amounts and gratuity due to them. The petitioners complain that the amount due under the Welfare Fund Account has not been paid to them fully.

2. A statement has been filed by the learned counsel for the 2nd respondent paragraphs 3 to 6 of which read thus:

> 3. This respondent based on Exhibit P-3 judgment dated 25/6/04 had forwarded the application for refund of the welfare fund remitted by the petitioners 1 and 3 to the 3rd respondent. The 3rd respondent by order No.R5/EP/124/1385 & 652 dated 20/7/04 partially sanctioned the amount due to the petitioners 1 and 3.
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> 4. It is respectfully submitted that the 2nd petitioner has not submitted the application for refund of the welfare amount. Therefore a letter was issued by this respondent to the 2nd petitioner intimating this aspect of non-submission of his application form for the refund of his eligible welfare fund, but the letter was returned to this office as "addressee left India".
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> 5. The balance amount due to the

> petitioners 1,3 and 4 has issued by the 3rd respondent by an order No.R3/EP 124 dated 28/4/07 closing the account of these petitioners. Based on these orders, the amounts due to the 1st and 4th petitioners were forwarded to the 3rd respondent. The amount due to the 4th petitioner will be released as soon as the receipt is received in the office of the 2nd respondent.
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> 6. it is respectfully submitted that the amounts due to the 2nd petitioner shall be processed as soon as an application in the prescribed form is submitted before the office of the 2nd respondent".

In view of the said statement this writ petition is disposed of with the following directions.

The 2nd petitioner shall file an application for closure of the welfare fund account and payment of the outstanding amounts. On receipt, the same shall be processed and amounts due to the 2nd petitioner shall be paid within two months from the date of receipt of the application. If the amounts due to the other petitioners have not already been paid, the same shall also be paid within a period of two months from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

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